THE HONOURABLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO. 785 OF 2007

DATED: 11-01-2007

BETWEEN:

D. Uma Shanker, S/o. Gangi Shetty
and another

… Petitioners

and

The Mandal Revenue Officer,
Chinthakomma Dinne,
Cuddapah, Cuddapah District

… Respondent

THE HONOURABLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO. 785 OF 2007

ORDER:

Petitioner filed this writ petition questioning the notice issued by the respondents under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') in respect of Ac.0.65 cents of land in Survey No.317/1.

In response to the said notice, the petitioner made a representation.

According to the learned counsel for the petitioner, so far the respondent has not considered the said representation, but without passing a final order under Section 6 of the Act, the respondent is likely to assign the land in question in favour of third parties.

However, no basis is shown for this apprehension by the petitioner. It is needless to say that the respondent will act in accordance with the provisions of the statute and it needs no emphasis that having issued a notice under Section 7 of the Act, the representation of the petitioner shall be considered before making a

final order as per Section 6 of the Act. However, it is made clear that till the passing of such an order, the respondent cannot either dispossess the petitioner or pass any orders assigning the property in favour of third parties.

Subject to the above observations, the writ petition is dismissed. However, there shall be no order as to costs.

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C.V. NAGARJUNA REDDY, J.

Dt: 11-01-2007
Rns/Es